

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LAMONT SCOTT,)	CASE NO. 4:17CV296
Petitioner,)	
v.)	JUDGE BENITA Y. PEARSON
WARDEN STEVEN MERLAK,)	
Respondent.)	<u>MEMORANDUM OF OPINION AND</u>
)	<u>ORDER</u>

Before the Court is the Report and Recommendation of Magistrate Judge Thomas M. Parker recommending that Petitioner Lamont Scott's petition for writ of habeas corpus filed pursuant to [28 U.S.C. § 2241](#) be denied as to Ground One and dismissed as to Grounds Two, Three, and Four.¹

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. [Id.](#); [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court

¹ The matter was referred to Magistrate Judge Thomas M. Parker for the preparation of a Report and Recommendation on the petition for writ of habeas corpus pursuant to Local Rule 72.2. The Court adopted Magistrate Judge Parker's first Report and Recommendation ([ECF No. 9](#)) on December 15, 2017, denying Petitioner's motion for summary judgment, and the matter remained pending on Magistrate Judge Parker's docket to prepare a recommendation on the merits of the petition itself. [ECF No. 16](#).

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reviews a magistrate judge's report only for clear error. *See Fed. R. Civ. P. 72, Adv. Comm.* [Note Subdivision \(b\)](#) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

In this case, the Report and Recommendation was served on the parties on April 16, 2019. Neither party has filed objections to the Report and Recommendation, nor has either party requested an extension of time. The Court finds that the Report and Recommendation is supported by the record and discerns no clear error in the magistrate judge's recommendation to deny relief and dismiss the petition.

Accordingly, the Court adopts Magistrate Judge Thomas M. Parker's Report and Recommendation. [ECF No. 23](#). Petitioner Lamont Scott's petition ([ECF No. 1](#)) is dismissed. An appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

May 24, 2019
Date

/s/ *Benita Y. Pearson*
Benita Y. Pearson
United States District Judge